

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
)
)
v.) Case No. 1:09-CR-98
)
DIAZ BENTON) MATTICE/CARTER

O R D E R

On September 17, 2009, Magistrate Judge William B. Mitchell Carter filed a Report and Recommendation recommending (a) the Court accept Defendant Diaz Benton's ("Defendant") plea of guilty to Count One of the Indictment, to the extent it charges distribution and possession with the intent to distribute fifty (50) grams or more of a mixture or substance containing a detectable amount of cocaine base (crack), in exchange for the undertakings made by the government in the written plea agreement; (b) the Court adjudicate Defendant guilty of the charges set forth in Count One of the Indictment, to the extent it charges distribution and possession with the intent to distribute fifty (50) grams or more of a mixture or substance containing a detectable amount of cocaine base (crack); (c) that a decision on whether to accept the plea agreement be deferred until sentencing; and (d) Defendant shall remain in custody pending sentencing in this matter (Doc. 239). Neither party filed an objection within the given ten days. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

(1) Defendant's plea of guilty to Count One of the Indictment, to the extent it charges distribution and possession with the intent to distribute fifty (50) grams or more of a mixture or

substance containing a detectable amount of cocaine base (crack), in exchange for the undertakings made by the government in the written plea agreement is **ACCEPTED**;

(2) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count One of the Indictment, to the extent it charges distribution and possession with the intent to distribute fifty (50) grams or more of a mixture or substance containing a detectable amount of cocaine base (crack);

(3) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and

(4) Defendant **SHALL REMAIN** in custody pending sentencing on **Monday, December 14, 2009, at 9:00 am.**

SO ORDERED.

ENTER:

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE